

## **REMARKS/ARGUMENTS**

Applicants have received the Office Action dated August 17, 2007, in which the Examiner: 1) rejected claims 1-4 and 7-20 under 35 U.S.C. § 103(a) as allegedly obvious under Congdon (U.S. Pat. No. 6,151,297) in view of Siu (U.S. Pat. No. 7,072,345); and 2) rejected claims 5-6 and 21 under 35 U.S.C. § 103(a) as allegedly obvious under Congdon, Siu and Mahalingham (U.S. Pat. No. 6,314,525). Based on the arguments contained herein, Applicants respectfully submit that the claims are in condition for allowance.

### **I. REJECTIONS UNDER 35 U.S.C. § 103(a)**

#### **A. Claims 1-4 and 7-20**

The Examiner rejected claims 1-4 and 7-20 under 35 U.S.C. § 103(a) as allegedly obvious under Congdon in view of Siu. Applicants traverse this rejection. Claim 1 requires that “. . . a program executing on the CPU reloads an offloaded connection established by the first network adapter onto the second network adapter.” Claim 1 further requires that this reloading must occur “as a result of one of a plurality of packets associated with the offloaded connection being received on the second network adapter.” The hypothetical combination of Congdon and Siu fails to disclose this combination of limitations. In particular, the Examiner admits on p. 4 of the Office Action that “Congdon et al. merely disclose fault tolerance” and, as a result, turns to Siu. The Examiner asserts that Siu discloses reloading “as a result of one of a plurality of packets associated with the offloaded connection being received on the second network adapter” (as required by claim 1) and cites col. 8, ll. 23-44 of Siu for support. However, Applicants are unable to find here or elsewhere in Siu the claim limitation in question. Applicants respectfully submit to the Examiner that Siu fails to satisfy the deficiency of Congdon. To eliminate doubt as to Applicants’ assertion, Applicants now describe Siu’s teachings in detail.

Col. 8, ll. 23-31 of Siu disclose fault tolerance in a switch. Referring to Fig. 11 of Siu, there is shown a line card 1102a that can be configured to include

contacts to the input port card 1100a. The line card 1102a can also be configured to include contacts to an adjacent input port card. Siu teaches that if one set of these contacts fails, the line card transfers data cells to the secondary contact. However, Siu certainly does not teach or even suggest that this transfer of data cells to the secondary contact happens “as a result of one of a plurality of packets associated with the offloaded connection being received on the second network adapter” (as required by claim 1), or an equivalent limitation. Thus, col. 8, ll. 23-31 fail to teach or suggest the limitation in question.

Col. 8, ll. 32-38 of Siu describe what happens when failure occurs in an intermediate layer 120 (see Fig. 8 of Siu). Siu teaches that in such a case, the input queues in the input circuits can be reduced and the failed intermediate layer circuit can be avoided. Siu also discloses that a reduction in the available intermediate layer circuits can be handled “gracefully” by reducing the input queue depth by one “on-the-fly” such that there is no interruption in packet processing. However, Siu does not teach or suggest the reloading of an “. . . offloaded connection established by the first network adapter onto the second network adapter as a result of one of a plurality of packets associated with the offloaded connection being received on the second network adapter,” as required by claim 1, or an equivalent limitation. Thus, col. 8, ll. 32-38 also fail to teach or suggest the limitation in question.

Finally, col. 8, ll. 39-44 of Siu describe what happens when failure occurs in the outer layer (see Fig. 8 of Siu). Siu teaches that in such a case, the output port can be flagged as disabled. Siu teaches that the cells are routed to a different output port and that the router adjusts its routing functions to accommodate the failure. However, Siu once again fails to teach or even suggest that this re-routing of cells “to a different output port” occurs “as a result of one of a plurality of packets associated with the offloaded connection being received on the second network adapter” (as required by claim 1), or an equivalent limitation. Thus, col. 8, ll. 39-44 also fail to teach or suggest the limitation in question.

Claim 1 is patentable over the hypothetical combination of Congdon and Siu at least because neither Congdon, Siu nor the hypothetical combination thereof discloses the limitations of claim 1 cited above. Dependent claims 2-7 are patentable for at least the same reasons as is claim 1.

Independent claim 8 requires “reloading the connection in response to the packet associated with the connection being offloaded and received by a network interface not currently processing the offloaded connection.” As explained above, the hypothetical combination of Congdon and Siu fails to teach or suggest such a limitation. For at least this reason, independent claim 8 and dependent claims 9-11 are patentable over the hypothetical combination of Congdon and Siu.

Independent claim 12 requires “reloading the connection as a result of the packet associated with the connection being offloaded and received by a network interface not currently processing the offloaded connection.” As explained above, the hypothetical combination of Congdon and Siu fails to teach or suggest such a limitation. For at least this reason, independent claim 12 and dependent claims 13-15 are patentable over the hypothetical combination of Congdon and Siu.

Independent claim 16 requires “wherein a program executed by the means for reading and executing programs reloads an offloaded connection established by the first means for sending and receiving data onto the second means for sending and receiving data in response to one of a plurality of packets associated with the offloaded connection being received on the second means for sending and receiving data.” As explained above, the hypothetical combination of Congdon and Siu fails to teach or suggest such a limitation. For at least this reason, independent claim 16 and dependent claims 17-21 are patentable over the hypothetical combination of Congdon and Siu.

**B. Claims 5-6 and 21**

The Examiner rejected claims 5-6 and 21 under 35 U.S.C. § 103(a) as allegedly obvious under Congdon, Siu and Mahalingham. Claims 5-6 and 21 are patentable over the hypothetical combination of Congdon and Siu as explained

above. Mahalingham fails to satisfy the deficiencies of Congdon and Siu. For these reasons, claims 5-6 and 21 are patentable over the hypothetical combination of Congdon, Siu and Mahalingham.

## **II. CONCLUSION**

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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